

FILED  
U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

2007 APR 26 P 2:09

DISTRICT OF UTAH

WAYNE CRAWFORD,

Plaintiff,

v.

USDA FOREST SERVICE,

Defendant.

BY: DEPUTY CLERK

## ORDER DISMISSING CASE

Civil No. 2:07-CV-146

On March 9, 2007, Wayne Crawford filed a complaint against the USDA Forest Service seeking an order from this court vesting in him title of an R.S. 2477 right-of-way known as the Cardiff Fork Road. Mr. Crawford attempts to bring his action pursuant to the Federal Quiet Title Act.<sup>1</sup> However, Mr. Crawford cannot state a claim under the QTA because he, as a private party and a member of the public, cannot assert title in an R.S. 2477 right-of-way.<sup>2</sup> This prohibition was fully explained to Mr. Crawford in the Amended Report and Recommendation adopted by the court in Mr. Crawford's prior case dealing with this issue.<sup>3</sup> Accordingly, the court dismisses

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<sup>1</sup> 28 U.S.C. 1346(f), 2409a.

<sup>2</sup> See *Sw. Four Wheel Drive Ass'n v. Bureau of Land Mgmt.*, 363 F.3d 1069 (10th Cir. 2004); *Kinscherff v. United States*, 586 F.2d 159 (10th Cir. 1978); *Utah State Dep't of Soc. Servs. v. Santiago*, 590 P.2d 335 (Utah 1979).

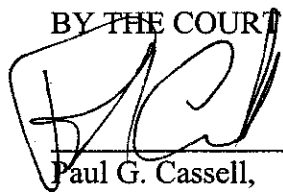
<sup>3</sup> See Amended Report and Recommendation 19-32, *Crawford et al. v. Salt Lake County, et al.*, case no. 2:06-CV-106 (Docket No. 43).

this case for the reasons provided for in the Amended Report and Recommendation.<sup>4</sup> The Clerk's Office is directed to close this case.

SO ORDERED.

DATED this 26th day of April, 2006.

BY THE COURT:



Paul G. Cassell,  
United States District Judge

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<sup>4</sup> A copy of the Amended Report and Recommendation from *Crawford et al. v. Salt Lake County, et al.* is attached to this Order.